

IN RE:  
FERDINAND GARCIA RODRIGUEZ

CASE NO. 13-06816-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,861.00    Fees paid: \$0.00    Fees Outstanding: \$2,861.00</b>
--

With respect to the proposed (amended) Plan dated: **August 21, 2013** (Dkt 3). Plan Base: **9,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Fails Disposable Income Test [11 U.S.C. §1325(b)]

Debtor has failed to include language in plan stating that the liquidation of sick days will be submitted to the Trustee to increase the plan base. Debtor has a history of receiving liquidation of sick days.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this October 25, 2013.

/s/ Alexandra Rodriguez -Staff Attorney

JOSE R. CARRION  
CHAPTER 13 TRUSTEE  
PO Box 9023884, San Juan, PR 00902-3884  
Tel. (787) 977-3535 Fax (787) 977-3550

ARD